



# **PLANNING COMMISSION AGENDA REPORT**

**VI.5**

MEETING DATE: JULY 13, 2009

ITEM NUMBER:

SUBJECT: PARCEL MAP PM-09-106  
3303 HYLAND AVENUE (SOUTH COAST HOME FURNISHINGS CENTER)

DATE: JULY 2, 2009

FOR FURTHER INFORMATION CONTACT: WENDY SHIH, ASSOCIATE PLANNER (714) 754-5136

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## **DESCRIPTION**

Tentative Parcel Map PM-09-107 is proposed to subdivide an existing condominium building in South Coast Home Furnishings Center to create four additional ownership units.

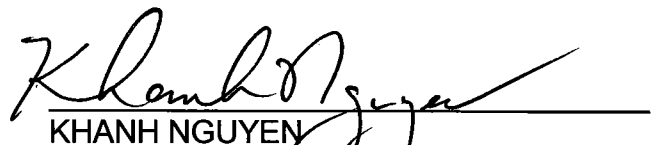
## **APPLICANT**

Pascal R. Apotheloz of Development Resource Consultants, Inc. is the authorized agent and project engineer for the property owner, South Coast Trade Center 1, LP.

## **RECOMMENDATION**

Approve by adoption of Planning Commission resolution, subject to conditions.

  
WENDY SHIH  
Associate Planner

  
KHANH NGUYEN  
Acting Asst. Development Services Director

**BACKGROUND*****Project Location***

The 20-acre property is bound by Sunflower Avenue to the north, San Diego Freeway (I-405) to the south, and Hyland Avenue to the east. This is the site of the South Coast Home Furnishings Center, an approximately 300,000 square-foot home furnishing center (approved under Master Plan PA-04-05) which was completed in 2007.

***Parcel Map PM-06-230***

On January 8, 2007, Planning Commission approved a parcel map to subdivide the parcel into ten industrial building lots (Parcels 1 through 10) and one common lot (Parcel "A"). The map was recorded on March 20, 2008.

**ANALYSIS*****Proposed Parcel Map PM-09-106***

The applicant proposes to subdivide existing building Parcel 4 for condominium purposes. The building is located along the freeway and contains four suites. Approval of the parcel map would allow each suite to be sold separately.

Since no changes in the use and square footage of the building are proposed at this time, staff does not anticipate any land use impacts. Staff believes that approval of the parcel map will provide additional ownership opportunities for business owners without intensifying the allowable uses on the property. Included in the recommended conditions of approval is a requirement that amendments to the existing CC&Rs be reviewed and approved by the Planning Division prior to its recordation. This will ensure continuation of shared parking and access within the common lot, and common maintenance of the landscaping, driveway and parking spaces.

**GENERAL PLAN CONFORMITY**

The proposed subdivision does not have a material effect on the existing and allowable uses on the property. Thus, the project is consistent with the Industrial Park General Plan designation of the property.

**ALTERNATIVE**

The Planning Commission may consider the following alternatives:

1. Approve the application. This would create four additional individual ownership units within the building.
2. Deny the application. If Commission denies the application, the building may not be subdivided into smaller units for condominium purposes. The building would

be limited to a single ownership and could continue to be leased. A similar request may not be submitted for six months.

### **ENVIRONMENTAL DETERMINATION**

The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA under Section 15315 for Minor Land Divisions. If the parcel map is denied, it is exempt from the provisions of CEQA Section 15270(a) for "Projects Which Are Disapproved."

### **CONCLUSION**

Staff believes that the parcel map will not have any significant land use impacts. Approval of the parcel map will allow the legal subdivision of an existing condominium building to create additional ownership units. Therefore, staff recommends approval of the application.

Attachments: 1 Planning Commission Approval and Denial Resolutions  
 2 Applicant Letter  
 3 Location Map  
 4 Proposed Parcel Map

cc: Acting Development Services Director  
 Deputy City Attorney  
 City Engineer  
 Fire Protection Analyst  
 Staff (4)  
 File (2)

Pascal R. Apotheloz  
 Development Resource Consultants, Inc.  
 160 N. Riverview Dr., Ste. 100  
 Anaheim Hills, CA 92808

South Coast Trade Center 1, LP  
 1100 Newport Center Dr., Ste. 150  
 Newport Beach, CA 92660

File: 071309PM09106	Date: 070209	Time: 9:45 a.m.
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# ATTACHMENT 1

## RESOLUTION NO. 09-

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING PARCEL MAP PM-09- 106

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY  
RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Pascal R. Apotheloz of Development Resource Consultants, Inc, authorized agent for South Coast Trade Center 1, LP, requesting approval of a one-lot airspace subdivision of an existing industrial building for condominium purposes, located at 3303 Hyland Avenue in a PDI zone;

WHEREAS, a duly noticed public hearing was held by the Planning Commission on July 13, 2009;

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", subject to the conditions in Exhibit "B," the Planning Commission hereby **APPROVES** Parcel Map PM-09-106 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for Planning Application PM-09-106 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B", as well as with compliance of all applicable federal, state, and local laws. Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

**PASSED AND ADOPTED this 13<sup>th</sup> day of July 2009.**

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James Righeimer, Chair  
Costa Mesa Planning Commission

STATE OF CALIFORNIA   )  
  )ss  
COUNTY OF ORANGE    )

I, Claire Flynn, Assistant Secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on July 13, 2009, by the following votes:

AYES:           COMMISSIONERS

NOES:           COMMISSIONERS

ABSENT:        COMMISSIONERS

ABSTAIN:       COMMISSIONERS

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Assistant Secretary, Costa Mesa  
Planning Commission

**EXHIBIT "A"****FINDINGS**

- A. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA under Section 15315 for Minor Land Divisions.
- B. The project is exempt from Chapter IX, Article 11, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.
- C. The subdivision of the property for commercial condominiums is consistent with the City's General Plan and Zoning Code.
- D. The proposed use of the subdivision is for a home furnishing center which is compatible with the objectives, policies, general plan land use designation, and programs specified in the City of Costa Mesa 2000 General Plan.
- E. The subject property is physically suitable to accommodate Parcel Map PM-09-106 in terms of type, design, and density of development, and will not result in substantial environmental damage nor public health problems, based on compliance with the City's Zoning Code and General Plan.
- F. The design of the subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision, as required by Government Code Section 66473.1.
- G. The subdivision will not unreasonably interfere with the free and complete exercise of the public entity and/or public utility rights-of-way and/or easements within the subdivision.
- H. The discharge of sewage from this subdivision into the public sewer system will not violate the requirements of the California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000 of the Water Code).

**EXHIBIT "B"**

**CONDITIONS OF APPROVAL**

- Plng. 1. The CC&Rs and articles of incorporation and bylaws of the Property Owners Association and any subsequent amendments shall be reviewed and approved by the Planning Division prior to recordation. The CC&Rs shall establish a Property Owners' Association and shall provide for common use and maintenance of all parking spaces, driveways and landscaping. A copy of the recorded CC&Rs shall be submitted to the Planning Division.
- 2 The parcel map shall indicate shared access and parking within Parcel "A".

**RESOLUTION NO. 09-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF COSTA MESA DENYING PARCEL MAP PM-09-106**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY  
RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Pascal R. Apotheloz of Development Resource Consultants, Inc, authorized agent for South Coast Trade Center 1, LP, requesting approval of a one-lot airspace subdivision of an existing industrial building for condominium purposes, located at 3303 Hyland Avenue in a PDI zone;

WHEREAS, a duly noticed public hearing was held by the Planning Commission on July 13, 2009;

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", subject to the conditions in Exhibit "B," the Planning Commission hereby **DENIES** Parcel Map PM-09-106 with respect to the property described above.

**PASSED AND ADOPTED this 13<sup>th</sup> day of July 2009.**

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James Righeimer, Chair  
Costa Mesa Planning Commission



# ATTACHMENT 2

## **TENTATIVE PARCEL MAP NO. 2009-106**

3303 HYLAND AVE., COSTA MESA, CA. 92606


### APPLICANT LETTER

#### DESCRIPTION:

PREPARE FINAL SUBDIVISION MAP AND DEVELOP CONDOMINIUM PLANS FOR EACH OF THE FOUR UNITS WITHIN THE EXISTING BUILDING FOR THE PROPERTY LOCATED AT 3303 HYLAND AVENUE IN COSTA MESA (PARCEL 4 OF PARCEL MAP NO. 2006-230 RECORDED IN PARCEL MAP BOOK 360 AT PAGES 40 THROUGH 45, INCLUSIVE.)

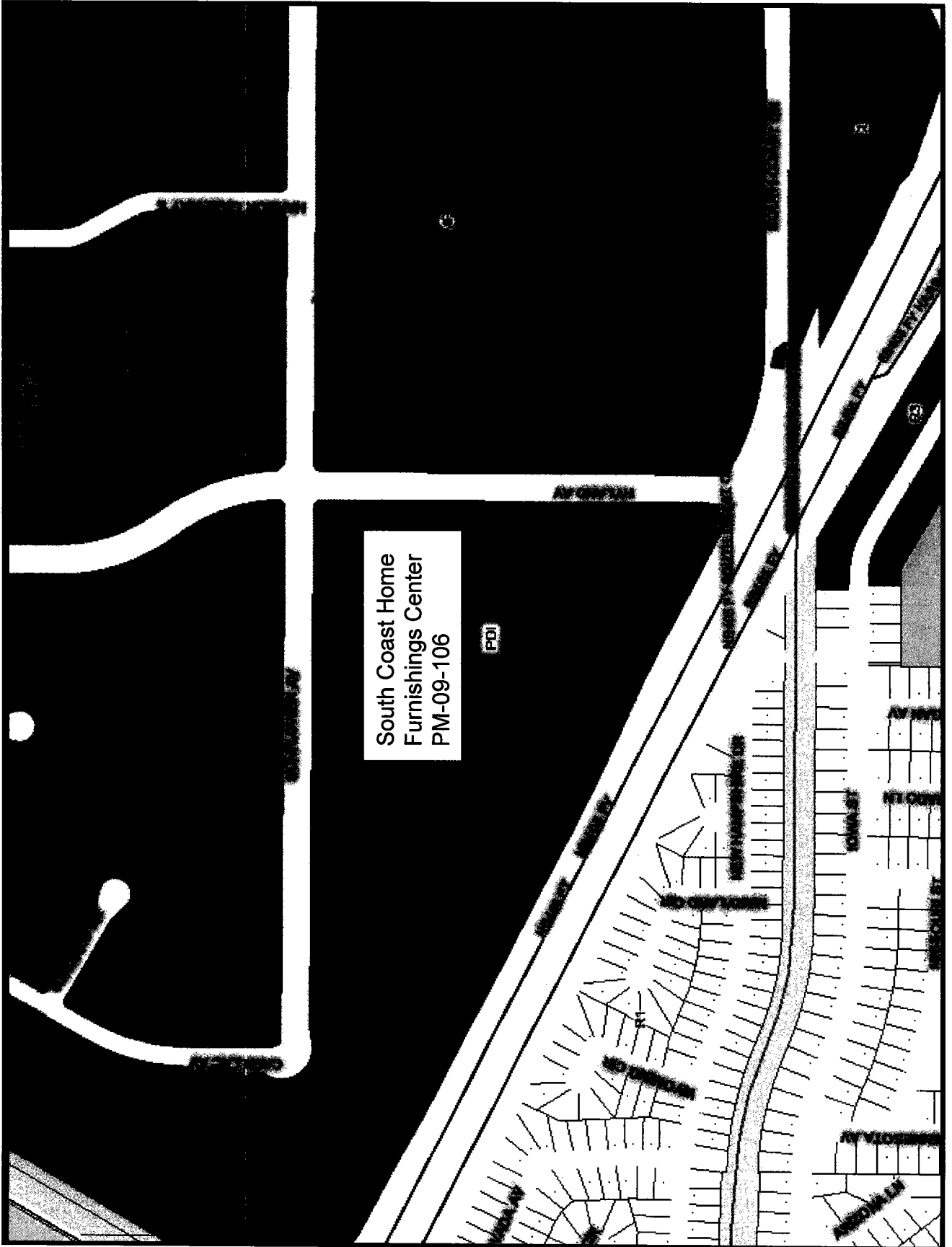
NO NEW DEVELOPMENT IS INTENDED TO BE CONSTRUCTED ON THE SITE IN CONNECTION WITH THIS PARCEL MAP.

South Coast Trade Center 1, L.P.

 4/9/09  
OWNER SIGNATURE DATE

# ATTACHMENT 3

## LOCATION MAP



**PREPARATION DATE**  
APRIL, 2009

**PROPERTY ADDRESS**  
5305 HILARIO AVENUE  
COSTA MESA, CA 92626

**PROPERTY AREA**  
PARCELS: 1.00000 AREA = 0.4329 AC. / 1,877 SQ. FT.

**QMAER**  
 BIRMINGHAM USA BOUTIQUE, INC.  
 1700 AIRPORT CENTER DRIVE, SUITE 100  
 WILLOW PARK, CA 94095  
 415-762-8253

**ENGINEER**  
PAUL E. APPELZ  
DEVELOPMENT RESOURCES CONSULTANTS, INC.  
100 NORTH SPENCER DRIVE, SUITE 100  
MAYHEW HILLS, CA 92029  
714-585-0066

**ASSESSOR'S PARCEL NO.**  
13-08-73

### OWNERSHIP STATEMENT

## **STATEMENT OF NON-DEVELOPMENT**

**PROPERTY ZONING (EXISTING)**[illegible]

**PROPERTY ZONING PROPOSED**

**FLOOD ZONE**

**LEGAL DESCRIPTION**

STANDARD PHOTODUPLICATION SERVICE  
SERIES NO. 1

100-106, 2

[illegible]

THE ABOVE INFORMATION FOR THE SALE PURPOSE OF THIS REPORT HAS MAY NOT BE  
 DISCLOSED FOR BE IN ANY POLICY OF THIS BROKERAGE TO BE USED BY THIS COMPANY, AND  
 MUST TO COME AS PER THE  
 FROM ACCOUNT (ACCOUNTS, "REDACTED")

**PLACEMENTS**  
ADDITIONAL BIRTHS OF AMERICANS AND CHINESE TO CHINA HAVE BEEN FREQUENTLY MADE SINCE  
RECORDED IN THE DOCUMENT BEGINNING SEPTEMBER 14, 1946 IN BOOK 600A, PAGE 507 OF  
OFFICIAL RECORDS (AND JAPANESE CENSUS AS 2000)

AN EXEMPTION IN FAVOR OF CITY OF COSTA MESA FOR SCHOOL BOND AND INDUSTRIAL PURPOSES  
 APPROVED JUNE 27, 1974 IN BUCK 10754, PAGE 289 OF OFFICIAL RECORDS (COSTA MESA  
 COUNTY, LAS ORCHES OF PAGES. 1)

RECORDS MARCH 1, 2004 AS INDICATED BY NOTIFICATION OF OFFICIAL RECORDS (ELEMENT 1) AND OFFICE OF PRICES. (1)

THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "HOLD HANDLING AGREEMENT FOR PHASE 1" WERE REPRODUCED IN LATERAL COPIES. RECORDS MARCH 21, 2004 AS INDICATED BY NOTIFICATION OF OFFICIAL RECORDS (ELEMENT 1) AND OFFICE OF PRICES. (1)

THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT DATED "JANUARY" RECEIVED OCTOBER 1, 1966 AS BEING THE INSTRUMENT OF OFFICIAL RECORD, ELEMENT LES COURTES OF FRANCE, 1)

AN EXERCISE FOR APPLIANCE AND MECHANICAL PURPOSES IN FRAME OF AREA COLLOCATED WITH DISTRICT, A COUNTY WATER DISTRICT, LOCATED ABOUT 22, 2007 AN AGREEMENT IN CONNECTION WITH THE CONSTRUCTION OF A NEW WATER TREATMENT PLANT IN THE DISTRICT.

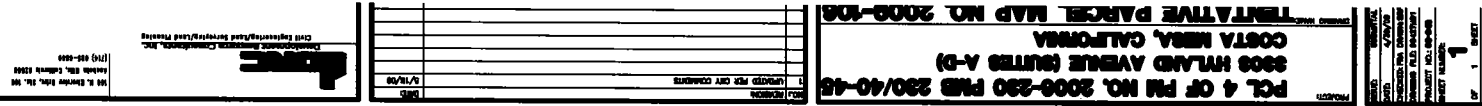
THE FOLLOWING LISTINGS ARE BASED ON THE LISTING MAP NO. 200-20-2. THE LISTING INDICATES TO THE PUBLIC FOR STREET PURPOSES SOME PORTIONS OF MYLAND AVE. AND SAWYER AVE.\* (SEE MAPS)

AN LICENSE FOR SPECIALTY AND MODULAR PURPOSES IN FAVOR OF CITY OF COSTA MESA, A MUNICIPAL CORPORATION, EXPIRING APRIL 22, 2005 AS INSTRUMENT NO. 20000000075 OF OFFICIAL RECORDS. (INSTRUMENT RUN OUTSIDE OF PAGES. 1)

RUND 3, 3-4 PM, 1000-1010 AM, 1010-1020 AM, 1020-1030 AM, 1030-1040 AM, 1040-1050 AM, 1050-1100 AM, 1100-1110 AM, 1110-1120 AM, 1120-1130 AM, 1130-1140 AM, 1140-1150 AM, 1150-1200 PM, 1200-1210 PM, 1210-1220 PM, 1220-1230 PM, 1230-1240 PM, 1240-1250 PM, 1250-1300 PM, 1300-1310 PM, 1310-1320 PM, 1320-1330 PM, 1330-1340 PM, 1340-1350 PM, 1350-1400 PM, 1400-1410 PM, 1410-1420 PM, 1420-1430 PM, 1430-1440 PM, 1440-1450 PM, 1450-1500 PM, 1500-1510 PM, 1510-1520 PM, 1520-1530 PM, 1530-1540 PM, 1540-1550 PM, 1550-1600 PM, 1600-1610 PM, 1610-1620 PM, 1620-1630 PM, 1630-1640 PM, 1640-1650 PM, 1650-1700 PM, 1700-1710 PM, 1710-1720 PM, 1720-1730 PM, 1730-1740 PM, 1740-1750 PM, 1750-1800 PM, 1800-1810 PM, 1810-1820 PM, 1820-1830 PM, 1830-1840 PM, 1840-1850 PM, 1850-1900 PM, 1900-1910 PM, 1910-1920 PM, 1920-1930 PM, 1930-1940 PM, 1940-1950 PM, 1950-2000 PM, 2000-2010 PM, 2010-2020 PM, 2020-2030 PM, 2030-2040 PM, 2040-2050 PM, 2050-2100 PM, 2100-2110 PM, 2110-2120 PM, 2120-2130 PM, 2130-2140 PM, 2140-2150 PM, 2150-2200 PM, 2200-2210 PM, 2210-2220 PM, 2220-2230 PM, 2230-2240 PM, 2240-2250 PM, 2250-2300 PM, 2300-2310 PM, 2310-2320 PM, 2320-2330 PM, 2330-2340 PM, 2340-2350 PM, 2350-2400 PM, 2400-2410 PM, 2410-2420 PM, 2420-2430 PM, 2430-2440 PM, 2440-2450 PM, 2450-2500 PM, 2500-2510 PM, 2510-2520 PM, 2520-2530 PM, 2530-2540 PM, 2540-2550 PM, 2550-2600 PM, 2600-2610 PM, 2610-2620 PM, 2620-2630 PM, 2630-2640 PM, 2640-2650 PM, 2650-2700 PM, 2700-2710 PM, 2710-2720 PM, 2720-2730 PM, 2730-2740 PM, 2740-2750 PM, 2750-2800 PM, 2800-2810 PM, 2810-2820 PM, 2820-2830 PM, 2830-2840 PM, 2840-2850 PM, 2850-2900 PM, 2900-2910 PM, 2910-2920 PM, 2920-2930 PM, 2930-2940 PM, 2940-2950 PM, 2950-3000 PM, 3000-3010 PM, 3010-3020 PM, 3020-3030 PM, 3030-3040 PM, 3040-3050 PM, 3050-3100 PM, 3100-3110 PM, 3110-3120 PM, 3120-3130 PM, 3130-3140 PM, 3140-3150 PM, 3150-3200 PM, 3200-3210 PM, 3210-3220 PM, 3220-3230 PM, 3230-3240 PM, 3240-3250 PM, 3250-3300 PM, 3300-3310 PM, 3310-3320 PM, 3320-3330 PM, 3330-3340 PM, 3340-3350 PM, 3350-3400 PM, 3400-3410 PM, 3410-3420 PM, 3420-3430 PM, 3430-3440 PM, 3440-3450 PM, 3450-3500 PM, 3500-3510 PM, 3510-3520 PM, 3520-3530 PM, 3530-3540 PM, 3540-3550 PM, 3550-3600 PM, 3600-3610 PM, 3610-3620 PM, 3620-3630 PM, 3630-3640 PM, 3640-3650 PM, 3650-3700 PM, 3700-3710 PM, 3710-3720 PM, 3720-3730 PM, 3730-3740 PM, 3740-3750 PM, 3750-3800 PM, 3800-3810 PM, 3810-3820 PM, 3820-3830 PM, 3830-3840 PM, 3840-3850 PM, 3850-3900 PM, 3900-3910 PM, 3910-3920 PM, 3920-3930 PM, 3930-3940 PM, 3940-3950 PM, 3950-4000 PM, 4000-4010 PM, 4010-4020 PM, 4020-4030 PM, 4030-4040 PM, 4040-4050 PM, 4050-4100 PM, 4100-4110 PM, 4110-4120 PM, 4120-4130 PM, 4130-4140 PM, 4140-4150 PM, 4150-4200 PM, 4200-4210 PM, 4210-4220 PM, 4220-4230 PM, 4230-4240 PM, 4240-4250 PM, 4250-4300 PM, 4300-4310 PM, 4310-4320 PM, 4320-4330 PM, 4330-4340 PM, 4340-4350 PM, 4350-4400 PM, 4400-4410 PM, 4410-4420 PM, 4420-4430 PM, 4430-4440 PM, 4440-4450 PM, 4450-4500 PM, 4500-4510 PM, 4510-4520 PM, 4520-4530 PM, 4530-4540 PM, 4540-4550 PM, 4550-4600 PM, 4600-4610 PM, 4610-4620 PM, 4620-4630 PM, 4630-4640 PM, 4640-4650 PM, 4650-4700 PM, 4700-4710 PM, 4710-4720 PM, 4720-4730 PM, 4730-4740 PM, 4740-4750 PM, 4750-4800 PM, 4800-4810 PM, 4810-4820 PM, 4820-4830 PM, 4830-4840 PM, 4840-4850 PM, 4850-4900 PM, 4900-4910 PM, 4910-4920 PM, 4920-4930 PM, 4930-4940 PM, 4940-4950 PM, 4950-5000 PM, 5000-5010 PM, 5010-5020 PM, 5020-5030 PM, 5030-5040 PM, 5040-5050 PM, 5050-5100 PM, 5100-5110 PM, 5110-5120 PM, 5120-5130 PM, 5130-5140 PM, 5140-5150 PM, 5150-5200 PM, 5200-5210 PM, 5210-5220 PM, 5220-5230 PM, 5230-5240 PM, 5240-5250 PM, 5250-5300 PM, 5300-5310 PM, 5310-5320 PM, 5320-5330 PM, 5330-5340 PM, 5340-5350 PM, 5350-5400 PM, 5400-5410 PM, 5410-5420 PM, 5420-5430 PM, 5430-5440 PM, 5440-5450 PM, 5450-5500 PM, 5500-5510 PM, 5510-5520 PM, 5520-5530 PM, 5530-5540 PM, 5540-5550 PM, 5550-5600 PM, 5600-5610 PM, 5610-5620 PM, 5620-5630 PM, 5630-5640 PM, 5640-5650 PM, 5650-5700 PM, 5700-5710 PM, 5710-5720 PM, 5720-5730 PM, 5730-5740 PM, 5740-5750 PM, 5750-5800 PM, 5800-5810 PM, 5810-5820 PM, 5820-5830 PM, 5830-5840 PM, 5840-5850 PM, 5850-5900 PM, 5900-5910 PM, 5910-5920 PM, 5920-5930 PM, 5930-5940 PM, 5940-5950 PM, 5950-6000 PM, 6000-6010 PM, 6010-6020 PM, 6020-6030 PM, 6030-6040 PM, 6040-6050 PM, 6050-6100 PM, 6100-6110 PM, 6110-6120 PM, 6120-6130 PM, 6130-6140 PM, 6140-6150 PM, 6150-6200 PM, 6200-6210 PM, 6210-6220 PM, 6220-6230 PM, 6230-6240 PM, 6240-6250 PM, 6250-6300 PM, 6300-6310 PM, 6310-6320 PM, 6320-6330 PM, 6330-6340 PM, 6340-6350 PM, 6350-6400 PM, 6400-6410 PM, 6410-6420 PM, 6420-6430 PM, 6430-6440 PM, 6440-6450 PM, 6450-6500 PM, 6500-6510 PM, 6510-6520 PM, 6520-6530 PM, 6530-6540 PM, 6540-6550 PM, 6550-6600 PM, 6600-6610 PM, 6610-6620 PM, 6620-6630 PM, 6630-6640 PM,

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**RECIPROCAL ACCESS NOTE**



**PREPARED UNDER THE SUPERVISION OF:**

PAMELA E. APONTE/ELIZ, L.S. 7734  
EXP. 12/31/09  
DATE PREPARED: APRIL 28, 2009



1  
 OF 1 SHEET